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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/819,278	03/28/2001	Srinivas Gutta	US010075	6874

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

YIMAM, HARUN M

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/819,278

Applicant(s)

GUTTA ET AL.

Examiner

Harun M. Yimam

Art Unit

2611

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 21 September 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-20.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.


CHRISTOPHER GRANT
SUPERVISORY PATENT EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because: Considering claims 1, 5, 10 and 18, applicant argues that "Hong makes no disclosure or suggestion for displaying said specific program as a sequence of key frame images. The use of key frames is not mentioned in any way by Hong. Furthermore, there is no disclosure or suggestion by Hong for using a sequence of key frame images to represent a continuum of the slotted program as it progresses." The applicant argues further that "Hong does not disclose or suggest choosing a specific program from a display of textually described programs that results in the displaying of a specific program as a sequence of key frame images."

In response, the examiner directs the applicant's attention to Hong-page 8, lines 1 - 5-The image data of the program includes video data for a sequence of predetermined number of pictures (which reads on the sequence of key frame images) capable of providing representative motion pictures or images of the program; (which clearly represents a continuum of the slotted program as it progresses) and one of the pictures can be used for providing a still image of the program (which reads on the use of key frames). Hong further discloses the user selecting from a program guide, which presents textual descriptions and still images corresponding to the respective program (figure 4 and page 9, line 15 - page 10, line 6-which reads on choosing a specific program from a display of textually described programs).

As for claims 3, 6, 8, 11, 13, 14, and 16, applicant argues that "Hong makes no disclosure or suggestion that any key frame image within a sequence of key frame images is highlighted."

In response, the examiner directs the applicant's attention to Hong-page 9, lines 20 - 22, where the program guide presents a rectangular shaped frame with textual descriptions and still images corresponding to the respective program (which reads on key frame image) and one of the programs is highlighted (which reads on at least one of key frame images is highlighted).

Considering claims 2 and 20, applicant argues that "Hong makes no disclosure or suggestion for the displaying of a sequence of images for a selected channel. There is no disclosure or suggestion for the sequence of pictures within Hong to follow the storyline of the program."

In response, the examiner directs the applicant's attention to Hong-page 7, line 22 - page 8, lines 5 where Hong discloses that the key frame images are invoked in a sequence following progress of the program.

As for claim 7, applicant argues that "the combination does not disclose or suggest highlighting a key frame, much less highlighting a key frame in color."

In response, the examiner directs the applicant's attention to the combination of Hong in view of Yeo and further in view of White. White discloses a user interface system for selecting items of interest on a television screen as well as highlighting any feature of interest by using a color (i.e. a single color) is well known in the art-column 4, lines 30-39.

Considering claims 4 and 9, applicant argues that "Yuen does not disclose or suggest a key frame image having a corresponding sound bite."

In response, the examiner directs the applicant's attention to the combination of Hong in view of Yeo and further in view of Yuen. Yuen discloses a program selection system (figure 2) comprising a key frame images (42) having a corresponding sound byte-column 2, paragraph 15, lines 15 - 23.

As for claim 15, applicant argues that "Hong makes no disclosure or suggestion that any key frame image within a sequence of key frame images is highlighted." The applicant argues further that "White does not disclose or suggest highlighting a key frame as defined by the claims of the present invention."

In response, the examiner directs the applicant's attention to Hong-page 9, lines 20 - 22, where the program guide presents a rectangular shaped frame with textual descriptions and still images corresponding to the respective program (which reads on key frame image) and one of the programs is highlighted (which reads on at least one of key frame images is highlighted). The examiner further directs the applicant's attention to White, where White discloses a user interface system for selecting items of interest on a television screen as well as highlighting any feature of interest by using a color (i.e. a single color) is well known in the art-column 4, lines 30-39.

Considering claims 12, 17 and 19, applicant argues that "Yuen does not disclose or suggest a key frame image having a corresponding sound bite."

In response, the examiner directs the applicant's attention to the combination of Hong in view of Yeo and further in view of Yuen. Yuen discloses a program selection system (figure 2) comprising a key frame images (42) having a corresponding sound byte-column 2, paragraph 15, lines 15 - 23..